

THE HONORABLE JUDGE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MB Marine, LLC, an Alaska Limited Liability Company, *In Personam*; and the GOLDEN EAGLE, Official Number 954681, her engines, machinery, components, anchors, cables, skiffs, furnishings, appliances, and any and all other appurtenances belonging thereto, *in rem*,

Plaintiffs/Counterclaim-Defendants,

vs.

WIEHLE INDUSTRIES, INC., a Washington Corporation,

Defendant/Counterclaim-Plaintiff.

IN ADMIRALTY

Case No.: 23-CV-00513-JNW

SECOND STIPULATED MOTION FOR
ENLARGEMENT OF TIME PURSUANT TO
F.R.C.P. 6(B) AND L.C.R. 16(B)(6)

NOTED FOR CONSIDERATION: APRIL 16,
2024

STIPULATION

Pursuant to L.C.R. 7(d)(1) and 10(g), the parties file this stipulated motion to extend the discovery deadlines set by Court order on September 11, 2023. *See* Dkt. 14. Good causes supports granting an extension of this scheduling date. Discovery was delayed due to Plaintiff's schedule during the hunting season, during which the Plaintiff was out on the Golden Eagle (the "Vessel") almost continuously. Due to further scheduling difficulties, the parties have one remaining deposition scheduled for April 18, 2024, after the discovery deadline of April 14, 2024. Parties

SECOND STIPULATED MOTION FOR ENLARGEMENT OF TIME

MB MARINE, LLC, ET AL VS. WIEHLE INDUSTRIES, INC.

Case No: 23-CV-00513-JNW

INTERNATIONAL MARITIME GROUP | PLLC

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1. thus request that the Court extend the discovery deadline and the deadline to submit dispositive
2. motions and motions challenging expert witness testimony to April 26, 2024.

3. The court will modify dates set forth in a scheduling order only upon a showing of good
4. cause. *See* Fed. R. Civ. P. 16(b)(4); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608
5. (9th Cir. 1992). The primary factor courts consider in making a good cause determination is
6. whether the moving party was diligent in its attempts to complete discovery in a timely manner.
7. *See Johnson*, 975 F.2d at 609. If that party was not diligent, the inquiry should end, and the request
8. should be denied. *Id.* “Although the existence or degree of prejudice to the party opposing the
9. modification might supply additional reasons to deny a motion, the focus of the inquiry is upon
10. the moving party’s reasons for seeking modification.” *Id.*

11. Good cause exists to extend the discovery deadline. Plaintiff’s occupation requires him to
12. be on the Vessel and largely unavailable for extended periods of time during the hunting season.
13. Upon Plaintiff’s return, parties engaged in the discovery process. There is, however, one deposition
14. remaining, scheduled for April 18, 2024. Additionally, parties are seeking an extension of the
15. deadline to submit dispositive motions and motions challenging expert witness testimony to allow
16. the parties time to submit such motions after completing depositions. An additional twelve (12)
17. days would provide the parties with enough time to complete depositions and to file dispositive
18. motions and motions challenging expert witness testimony.

19. In addition to good cause for extension of the discovery deadline, the parties note that there
20. will be no prejudice to either Plaintiff or Defendant by extending the deadline. Indeed, an extension
21. will allow the parties to develop thorough arguments so that this matter may be decided on its
22. merits.

23. For the foregoing reasons, the parties therefore request that this Court extend the discovery

1. deadline an additional twelve (12) days to April 26, 2024.

2. DATED this 16th day of April, 2024.

3. Respectfully submitted,

4. INTERNATIONAL MARITIME GROUP | PLLC

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17. ATTORNEY FOR PLAINTIFFS - MB MARINE, ET AL.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

The discovery deadline of April 14, 2024, is extended through April 26, 2024, to allow additional time for parties to complete depositions and to file dispositive motions and motions challenging expert witness testimony.

DATED: April 17, 2024.



Jamal N. Whitehead
United States District Judge

Presented by:

INTERNATIONAL MARITIME GROUP, PLLC

/s/ R. Isaak Hurst
R. Isaak Hurst, WSBA # 43679
Attorney for Defendant

HOLMES, WEDDLE, AND BARCOTT, PC

/s/ Michael A. Barcott
Michael A. Barcott, WSBA # 13317
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2024, I electronically filed a copy of the foregoing document with the Court's CM/ECF system, which electronically notifies and serves via E-Service the following parties:

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Respectfully submitted,

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